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7 Attorney for Gilberto Marquez,
8 Defendant

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GILBERTO MARQUEZ,

Defendant.

Case No.: 2:23-cr-00564-MWF

MOTION FOR AN EXPEDITED BOND
HEARING

*Before the Honorable Michael W.
Fitzgerald, District Court Judge, and the
Honorable Rozella A. Oliver, Magistrate
Judge*

DATE: May 1, 2024

TIME: 12:00 P.M.

TO THE HONORABLE JUDGE MICHAEL W. FITZGERALD, UNITED STATES
DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA:

COMES NOW Defendant, GILBERTO MARQUEZ (hereinafter “Defendant, Mr. Marquez”), through his attorney, Ambrosio E. Rodriguez, pursuant to 18 U.S.C. §§ 3142 and 3145(b), and respectfully requests that this Court set an expedited hearing to review the detention order entered by Magistrate Judge Rozella Oliver and set reasonable conditions of release pending trial. Mr. Marquez respectfully submits this Notice of Motion and Motion, the Memorandum of Points and Authorities, and any and all evidence in support of this motion.

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3 DATED: March 6, 2024
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Respectfully submitted,

/s/ Ambrosio E. Rodriguez

Ambrosio E. Rodriguez,
Attorney for Mr. Marquez

Procedural History

Mr. Marquez stands charged by indictment with one count of 21 U.S.C. § 846; one count for violations of 21 U.S.C. 841(a)(1), (b)(1)(C), 18 U.S.C. § 2(a); and related forfeiture allegations. On November 22, 2023, the Honorable Magistrate Judge, Rozella Oliver, granted the Government's request for detention and ordered that Mr. Marquez be permanently detained pending trial. The Court issued the Order of Detention based on the nature of the allegations: (1) that there was an offence with a maximum sentence with life imprisonment or death; (2) that the offence involves a narcotics; (3) that the defendant would flee, and that there are no conditions or combinations of conditions that will reasonably assure the safety of the community. (*see ECF. #31*)

However, the Magistrate Judge also ordered that Mr. Marquez's codefendant and brother, Mr. Tomas Marquez-Ruiz, be released with an appearance bond of \$100,000 and an affidavit of surety without justification signed by Mr. Marquez-Ruiz's wife, as well as other standard terms of release. Mr. Marquez was once again denied bail on February 26, 2024, by Magistrate Judge Oliver.

Mr. Marquez would be seeking bond, with an ankle monitor that is restricted to home, work, church, court and attorney's office, and a \$100,000 unsecured bond signed by his mother, Ms. Emilia Ruiz Rodriguez. Ms. Ruiz Rodriguez's Date of Birth is April 5, 1962. Her address is 11550 Poema Place, Unit 102, Chatsworth, CA 91311. In a pretrial services report, it appears that Ms. Ruiz Rodriguez mistakenly reported incorrect income to post surety, to wit, Ms. Ruiz Rodriguez earns \$1,000.00 to \$1,500.00 *weekly*, not monthly (see pretrial services report dated February 26, 2024, marked Exhibit A for reference).

In addition, Mr. Marquez's extended family is willing to post bond with an affidavit of surety. Ms. Ana Mata, is one of the extended family members who is willing to post bond. She can be reached at (571) 422-8896 is a resident of the state of Maryland. Georgina Ramirez Vigil is also willing to post bond for Mr. Marquez. She lives in Sacramento, California, and

1 can be reached at (916) 600-3798 she lives in Sacramento. Finally, Mr. Marquez's relative, Mr.
2 Gustavo Martinez. Mr. Martinez can be reached at (818) 488-3971.

3 Mr. Marquez is nearly identically situated to the codefendant. Mr. Marquez, through
4 counsel, now files this motion to ask the Court to set an expedited hearing, to allow for the
5 presentation of new evidence, and to reconsider the Order of Detention issued on November
6 11, 2023, before this Court.

7 *Legal Argument and Supporting Facts*

8 Title 18 U.S.C. § 3145(b) provides for the prompt review by the District Court of a
9 detention order issued by a Magistrate Judge. In reviewing such an order, the Court gives no
10 deference to the Magistrate Judge's factual findings, but reviews them *de novo*. See *United*
11 *States v. Rueben*, 974 F.2d 580, 585 (5th Cir. 1992). The Court must make an independent
12 determination of the proper pretrial detention or conditions of release. *Id.* For the Government
13 to show that the defendant should be detained without bond, it must prove by clear and
14 convincing evidence that no condition or combination of conditions will reasonably assure the
15 safety of any other person and the community. See 18 U.S.C. § 3142(f)(2).

16 Mr. Marquez respectfully submits that, pursuant to 18 U.S.C. § 3145(b), he is entitled
17 to an expedited review of the Magistrate Judge's detention order. He seeks release on bond so
18 that he may seek employment and continue to make a living. Here, new evidence includes the
19 retention of new counsel, a review of the previous record indicating that a similarly situated
20 defendant was released with an affidavit of surety, and that it is in the defendant's best interest
21 to be released to be able to aid in his own defense. Mr. Marquez has expressed to counsel his
22 willingness to abide by any release conditions that the Court might impose that would allow for
23 him to continue working and to aid in his defense.

24 Mr. Marquez would be seeking bond, with an ankle monitor that is restricted to home,
25 work, church, court and attorney's office, and a \$100,000 unsecured bond signed by his
26 mother, Ms. Emilia Ruiz Rodriguez. Ms. Ruiz Rodriguez's Date of Birth is April 5, 1962. Her

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8 Vigil is also willing to post bond for Mr. Marquez. She lives in Sacramento, California, and
9 can be reached at (916) 600-3798 she lives in Sacramento. For this reason, he respectfully
10 requests an expedited hearing so that the Court may consider the evidence presented at a
11 detention hearing as well as new evidence to be presented by Mr. Ambrosio E. Rodriguez.
12

13 **PRAYER**

14 WHEREFOR, premises considered, Defendant respectfully requests that this Honorable
15 Court set an expedited bond hearing and thereafter impose reasonable conditions of pretrial
16 release and set bond accordingly for Defendant, Mr. Marquez.
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Respectfully submitted,

18 /s/ Ambrosio E. Rodriguez
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20 Ambrosio E. Rodriguez,
21 Attorney for Mr. Marquez
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